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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/560,411	05/01/2006	Roland Oehmann	7742.3018.001	5479
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EXAMINER				
PATEL, VINOD D				
ART UNIT		PAPER NUMBER		
3742				
MAIL DATE		DELIVERY MODE		
12/24/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/560,411

Applicant(s)

OEHMANN, ROLAND

Examiner

Vinod D. Patel

Art Unit

3742

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 September 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SI/08)
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Interval Patent Application
- 6) ☐ Other: _____

Arguments/Amendments

1. Applicant's arguments/amendments have been fully considered but they are not persuasive as for the following reason:
2. The text of those sections of Title 35, U.S. Code not included in this section can be found in the previous office action.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
 2. Ascertaining the differences between the prior art and the claims at issue.
 3. Resolving the level of ordinary skill in the pertinent art.
 4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
4. Claims 1 and 3-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bonardi et al. (US2002/0171954) in view of Miller (US6227689) or Furst et al. (6347880) or Miller (US6582109) or Pastrick et al. (US5669699).

With respect to claims 1 and 3, Bonardi et al. discloses a vehicle outside mirror module (200) with a heatable mirror glass assembly group, whereby the mirror glass assembly group (10) exhibits at least one mirror glass (14) defining a mirror glass edge

and an at least one layered, foil-like heating foil (206) flexibly configured on the back side (14b) of said mirror glass provided with power supply points (208) said heating foil receiving at least one heating element thus characterized, that on or in the heating foil (206) at least one means of lighting (220) and at least one additional power supply point (paragraph[0053]) are configured or integrated, - that on or in the heating foil (206), between the one or the several lighting means (220) and the one or the additional power supply points (paragraph[0053]), conductive tracks providing current are configured or integrated which contact said power supply points, - that each lighting means has at least one main light exit surface whose spectral centroid lies above the mirror back surface and the mirror glass edge (paragraph [0053]). The heating foil (206) having lighting means (220) and tabs (215a, 215b) are at least long enough that they project over the mirror glass front side (14) by at least one cross dimension of a light emitting diode projecting over the mirror glass (14) for receiving bus bars.

Bonardi et al. does not disclose tabs projecting over the mirror glass beyond mirror glass edge, lighting disposed on one of the tabs beyond the mirror edge are for receiving the lighting means.

This is considered as relocation/reversal of parts as evidenced by Miller or Furst et al. or Miller or Pastrick et al. The relocation/reversal of components in a prior art reference, where there is no disclosed significance to such reversal, is a design consideration within the skill of the art. In re Gazda, 219 F.2d 449, 104 USPQ 400 (CCPA 1955); In re Japikse, 181 F.2d 1019, 86 USPQ 70 (CCPA 11950).

Miller or Furst et al. or Miller or Pastrick et al. discloses a vehicle outside mirror comprising tabs projecting over the mirror glass beyond mirror glass edge, lighting disposed on one of the tabs beyond the mirror edge are for receiving the lighting means as shown in the Figures.

It would have been obvious to one of ordinary skilled in the art to provide tabs projecting over the mirror glass beyond mirror glass edge, lighting disposed on one of the tabs beyond the mirror edge are for receiving the lighting means in order to provide indicator light as taught by Miller or Furst et al. or Miller or Pastrick et al. for the device of Bonardi et al.

With respect to claim 4, the mirror glass is clamped in between a mirror glass support and a mirror glass frame, secured to said support, embracing the mirror glass on its front side as shown in Fig. 5.

With respect to claim 5, the mirror glass frame exhibits a ring-shaped hollow chamber leading along the edge of the mirror as shown in Figure 5.

With respect to claim 6, the tabs (215a) of the heating foil (206) equipped with the lighting means (220) are configured to have play or to exactly form-fit inside of the hollow chamber.

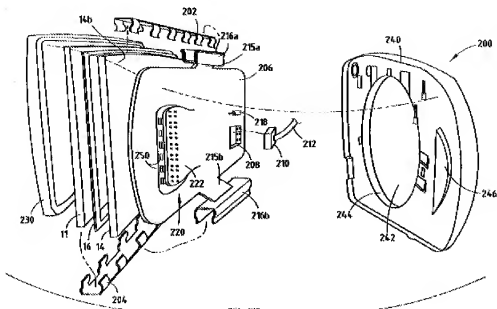


Fig. 5

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With respect to claims 7, Bonardi et al. discloses electrically conductive tracings may be printed on printed circuit board/ heating foil (206) which act as a heating element.

With respect to claim 8, Bonardi et al. discloses electrically conductive tracings may be printed on printed circuit board/ heating foil (206), conductive tracing is considered as resistor wire.

With respect to claim 9, Bonardi et al. discloses the lighting means (220) are a light emitting diode or a group of light emitting diodes on which a light wave guide is formed.

REMARKS

5. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection. The combination of prior art is proper because, (a) Combining prior art elements according to known methods to yield predictable results; (b) Simple substitution of one known element for another to obtain predictable results; (c) Use of known technique to improve similar devices (methods, or products) in the same way; (d) Applying a known technique to a known device (method, or product) ready for improvement to yield predictable results; (e) " Obvious to try " – choosing from a finite number of identified, predictable solutions, with a reasonable expectation of success; (f) Known work in one field of endeavor may prompt variations of it for use in either the same field or a different one based on design incentives or other market forces if the variations are predictable to one of ordinary skill in the art; (g) Some teaching, suggestion, or motivation in the prior art that would have led one of ordinary skill to modify the prior art reference or to combine prior art reference teachings to arrive at the claimed invention.

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vinod D. Patel whose telephone number is (571)272-4785. The examiner can normally be reached on 7.15 A.M. TO 3.45 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tu B. Hoang can be reached on 571-272-4780. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Vinod D. Patel/
Examiner, Art Unit 3742
/TU B HOANG/

Supervisory Patent Examiner, Art Unit 3742